

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chap.		Sec.	Chap.		Sec.
1.	Navigable Waters Generally .....	1	30.	International Regulations for Preventing Collisions at Sea .....	1601
2.	International Rules for Navigation at Sea [Repealed] .....	61	31.	Ocean Pollution Research and Development and Monitoring Planning [Repealed] .....	1701
3.	Navigation Rules for Harbors, Rivers, and Inland Waters Generally .....	151	32.	Inland Waterways Trust Fund .....	1801
4.	Navigation Rules for Great Lakes and Their Connecting and Tributary Waters [Repealed] .....	241	33.	Prevention of Pollution From Ships .....	1901
5.	Navigation Rules for Red River of the North and Rivers Emptying Into Gulf of Mexico and Tributaries [Repealed] .....	301	34.	Inland Navigational Rules .....	2001
5A.	Exemption of Navy or Coast Guard Vessels From Certain Navigation Rules [Repealed] .....	360	35.	Artificial Reefs .....	2101
6.	General Duties of Ship Officers and Owners After Collision or Other Accident [Repealed] .....	361	36.	Water Resources Development .....	2201
7.	Regulations for the Suppression of Piracy .....	381	37.	Organotin Antifouling Paint Control .....	2401
8.	Summary Trials for Certain Offenses Against Navigation Laws ..	391	38.	Dumping of Medical Waste by Public Vessels .....	2501
9.	Protection of Navigable Waters and of Harbor and River Improvements Generally .....	401	39.	Shore Protection from Municipal or Commercial Waste .....	2601
10.	Anchorage Grounds and Harbor Regulations Generally .....	471	40.	Oil Pollution .....	2701
11.	Bridges Over Navigable Waters .....	491	41.	National Coastal Monitoring .....	2801
12.	River and Harbor Improvements Generally .....	540	42.	Estuary Restoration .....	2901
13.	Mississippi River Commission .....	641			
14.	California Debris Commission .....	661			
15.	Flood Control .....	701			
16.	Lighthouses .....	711			
17.	National Ocean Survey .....	851			
18.	Longshore and Harbor Workers' Compensation .....	901			
19.	Saint Lawrence Seaway .....	981			
20.	Pollution of the Sea by Oil [Repealed] .....	1001			
21.	International Regulations for Preventing Collisions at Sea [Repealed] .....	1051			
22.	Sea Grant Colleges and Marine Science Development .....	1101			
23.	Pollution Control of Navigable Waters [Omitted or Transferred] .....	1151			
24.	Vessel Bridge-to-Bridge Communication .....	1201			
25.	Ports and Waterways Safety Program .....	1221			
26.	Water Pollution Prevention and Control .....	1251			
27.	Ocean Dumping .....	1401			
28.	Pollution Casualties on the High Seas: United States Intervention ..	1471			
29.	Deepwater Ports .....	1501			

### TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 42 section 9607; title 46 App. section 1273a.

### CHAPTER 1—NAVIGABLE WATERS GENERALLY

#### SUBCHAPTER I—GENERAL PROVISIONS

Sec.	
1.	Regulations by Secretary of the Army for navigation of waters generally.
2.	Regulations for navigation of South and Southwest Passes of Mississippi River; penalties.
3.	Regulations to prevent injuries from target practice.
4.	Water gauges on Mississippi River and tributaries.
5.	Abolition of tolls on Government canals, canalized rivers, etc.; expense of operation, repairs to and reconstruction of canals, etc.; Panama Canal excepted.
6.	Free passage to harbor of Michigan City, Indiana.
7.	Use of Government iron pier in Delaware Bay.
8.	Toll free rivers in Alabama.
9.	Des Moines River as toll free.
10.	Waters in Louisiana Purchase as public highways.
11.	Authority for compact between Middle Northwest States as to jurisdiction of offenses committed on boundary waters.
12.	Port Arthur Ship Canal.

#### SUBCHAPTER II—WATERS DECLARED NONNAVIGABLE: CHANGE OF NAME

21.	Bayou Cocodrie, Louisiana.
22.	Bayou Meto, Arkansas.
23.	Bear Creek, Mississippi.
24.	Big Tarkio River, Missouri.

Sec.		Sec.	
25.	Cache River, Arkansas.	59j-1.	Declaration of nonnavigability for portions of the Delaware River.
26.	Calumet River, Cook County, Illinois, old channel.		(a) Area to be declared non-navigable; public interest.
26a.	Additional portion of Calumet River, old channel, abandoned as navigable water.		(b) Limits on applicability; regulatory requirements.
26b.	Portion of Calumet River, Chicago, as non-navigable stream.		(c) Expiration date.
27.	Chicago River at Chicago, Illinois.	59k.	Wicomico River, Maryland.
27a.	Chicago River, West Fork of South Branch.	59l.	Nonapplicability of prohibitions and provisions for review and approval concerning wharves and piers.
27b.	Chicago River, West arm of South Fork of South Branch.	59m.	Lake Oswego, Oregon; Lake Coeur d'Alene, Idaho; and Lake George, New York.
28.	Crum River; old channel at mouth, Delaware Bay.	59n.	Hudson River, Hudson County, New Jersey.
29.	Cuivre River, Missouri.	59n-1.	Caven Point, New Jersey.
29a.	East River, Wisconsin.	59o.	Hackensack River, Hudson County, New Jersey.
30.	Grand River, Missouri, above Brunswick.	59p.	Kenduskeag Stream, Penobscot County, Maine.
31.	Iowa River, Iowa, above Toolsboro.	59q.	Erie Basin, Buffalo Harbor, New York.
32.	Lake George, Mississippi.	59q-1.	Union Canal, Outer Buffalo Harbor, New York.
33.	Little River, Arkansas, from Big Lake to Marked Tree.	59r.	Trent River, Craven County, North Carolina.
34.	Mill Slough, Oregon.	59s.	Green River, Washington.
35.	Mississippi River, West Channel, opposite La Crosse, Wisconsin.	59t.	Burnham Canal, Milwaukee, Wisconsin.
36.	Mosquito Creek, South Carolina.	59u.	Lawyer's Ditch, Essex County, New Jersey.
37.	Nodaway River, Missouri.	59v.	Middle River, Maryland.
38.	Oklawaha River, Florida; Kyle and Young Canal and "Morrison Landing extension" substituted.		(a) Description.
39.	Ollala Slough, Oregon.		(b) Pierhead and bulkhead line of Dark Head Creek.
40.	One Hundred and Two River, Missouri.		(c) Previously authorized projects.
41.	Osage River, Missouri.		(d) Reservation of rights.
42.	Platte River, Missouri.	59w.	Norton Basin and Jamaica Bay, New York.
43.	Saint Marys River, Ohio and Indiana.	59x.	Exemption from General Bridge Act of 1946.
44.	Sturgeon Bay, Illinois.		(a) Waters declared nonnavigable.
45.	Swan Creek, Toledo, Ohio.		(b) Waters described.
46.	Tchula Lake, Mississippi.	59y.	Declaration of nonnavigability for portions of Coney Island Creek and Gravesend Bay, New York.
47.	Eagle Lake, Louisiana-Mississippi.		(a) Area to be declared non-navigable; public interest.
48.	Noxubee River, Mississippi.		(b) Limits on applicability; regulatory requirements.
49.	Bayou Saint John in New Orleans.		(c) Expiration date.
50.	Turtle Bay and Turtle Bayou, Texas.	59z.	Declaration of nonnavigability of bodies of water in Ridgefield, New Jersey.
51.	Scajaquada Creek, New York.	59aa.	Nonnavigability of Wisconsin River.
52.	Park River, Connecticut.	59bb.	Declaration of nonnavigability for portions of Lake Erie.
53.	Benton Harbor Canal, Michigan.		(a) Area to be declared nonnavigable; public interest.
53a.	Additional portion of Benton Harbor Canal, abandoned as navigable water.		(b) Limits on applicability; regulatory requirements.
54.	Burr Creek, Bridgeport, Connecticut.		(c) Expiration date.
55.	Bayou Savage (or Chantilly) in New Orleans.	59bb-1.	Declaration of nonnavigability for Lake Erie, New York.
56.	Port Point Channel and South Bay, Boston, Massachusetts.		(a) Area to be declared nonnavigable; public interest.
57.	Pike Creek, Wisconsin.		(b) Boundaries.
58.	Acushnet River section of New Bedford and Fairhaven Harbor, Massachusetts.		(c) Limits on applicability; regulatory requirements.
59.	West River in West Haven, Connecticut.		(d) Expiration date.
59a.	Back Cove, Portland, Maine.	59cc.	Declaration of nonnavigability of portion of Hudson River, New York.
	(a) Portion declared nonnavigable.		(a) Declaration of nonnavigability.
	(b) Portion abandoned.		(b) Area subject to declaration.
	(c) Preservation of right to alter, amend or repeal section.		(c) Determination of public interest.
59b.	Bayous Terrebonne and LeCarpe, Louisiana.		(d) Limitation on applicability of declaration.
59c.	East River, New York.		(e) Expiration date.
59c-1.	East and Hudson Rivers, New York.		(f) "Proposed project" defined.
59c-2.	East River, New York.	59dd.	Declaration of nonnavigability of portions of Cleveland Harbor, Ohio.
59c-3.	Queens County, New York.		(a) to (c) Omitted.
	(a) Description of nonnavigable area.		(d) Area to be declared nonnavigable; public interest.
	(b) Requirement that area be improved.		(e) Limits on applicability; regulatory requirements.
	(c) Expiration date.		(f) Expiration date.
59d.	River Raisin, Michigan.		
59e.	Bayou Lafourche, Louisiana.		
59e-1.	Additional portion of Bayou Lafourche, Louisiana.		
59f.	Boston Inner Harbor and Fort Point Channel, Massachusetts.		
59g.	Steele and Washington Bayous, and Lake Washington, Mississippi.		
59h.	Northern Embarcadero area, San Francisco, California.		
59i.	Patapsco River, Maryland.		
59j.	Delaware River, Philadelphia County, Pennsylvania; permanent structures.		

- Sec.  
59ee. Portion of Sacramento River Barge Canal declared to not be navigable waters of United States.
- 59ee-1. Declaration of nonnavigability for portion of Sacramento Deep Water Ship Channel.
- 59ff. Declaration of nonnavigability for portions of Pelican Island, Texas.  
 (a) Descriptions of nonnavigable areas.  
 (b) Exceptions.  
 (c) Requirement that areas be improved.  
 (d) Expiration.
- 59gg. Declaration of nonnavigability for portions of Cuyahoga County, Ohio.  
 (a) Area to be declared nonnavigable; public interest.  
 (b) Limits on applicability; regulatory requirements.  
 (c) Expiration date.
- 59hh. Declaration of nonnavigability for portion of Pelican Island, Texas.  
 (a) In general.  
 (b) Compensation for conveyance.  
 (c) Disposition of spoil.  
 (d) Determination of fair market value.  
 (e) Navigational servitude.  
 (f) Survey and study.
- 59ii. Declaration of nonnavigability of a portion of the canal known as the James River and Kanawha Canal in Richmond, Virginia.  
 (a) Canal declared nonnavigable.  
 (b) Ensuring public safety.  
 (c) Termination of declaration.

#### SUBCHAPTER I—GENERAL PROVISIONS

##### § 1. Regulations by Secretary of the Army for navigation of waters generally

It shall be the duty of the Secretary of the Army to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regulations shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding \$500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.

Any regulations prescribed by the Secretary of the Army in pursuance of this section may be enforced as provided in section 413 of this title, the provisions whereof are made applicable to the said regulations.

(Aug. 18, 1894, ch. 299, § 4, 28 Stat. 362; June 13, 1902, ch. 1079, §§ 6, 11, 32 Stat. 374; Aug. 8, 1917, ch. 49, § 7, 40 Stat. 266; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

#### CODIFICATION

The first paragraph of this section is from section 4 of act Aug. 18, 1894, popularly known as the "River and Harbor Act of 1894", as amended.

As originally enacted, said section 4 made it the duty of the Secretary of War to prescribe rules and regula-

tions for the use, administration, and navigation of any or all canals and similar works of navigation owned, operated, or maintained by the United States, and provided for the posting of such regulations and the punishment of violations thereof.

Said section 4 was amended by section 11 of act June 13, 1902, principally by adding to the original section provisions authorizing the Secretary also to prescribe regulations to govern the speed and movement of vessels and other water craft in any public navigable channel which had been improved under authority of Congress, whenever in his judgment such regulations were necessary to protect such improved channel from injury or to prevent interference with the operations of the United States in improving navigable waters or injury to any plant that might be employed in such operations.

Section 4 was also amended by section 7 of act Aug. 8, 1917, to read as set forth in the first paragraph hereof.

The last paragraph of this section is from section 6 of act June 13, 1902. Said section 6 is also the source of the last proviso in section 499 of this title.

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

#### RULES AND REGULATIONS

Administrative provisions covering definitions which the Coast Guard uses to examine waters to determine whether the Coast Guard has jurisdiction on those waters under particular laws of the United States are set out in chapter I, subchapter A, part 2, of Title 33, Navigation and Navigable Waters, in the Code of Federal Regulations. Such part 2, consisting of sections 2.01-1 to 2.10-10, sets out definitions of jurisdictional terms and provides for the availability of jurisdictional decisions.

##### § 2. Regulations for navigation of South and Southwest Passes of Mississippi River; penalties

The Secretary of the Army is authorized to make such rules and regulations for the navigation of the South and Southwest Passes of the Mississippi River as to him shall seem necessary or expedient for the purpose of preventing any obstruction to the channels through said South and Southwest Passes and any injury to the works therein constructed. The term "South and Southwest Passes", as employed in this section, shall be construed as embracing the entire extent of channel in each case, between the upper ends of the works at the head of the pass and the outer or sea ends of the jetties at the entrance from the Gulf of Mexico; and any willful violation of any rule or regulation made by the Secretary of the Army in pursuance of this section shall be deemed a misdemeanor, for which the owner or owners, agent or agents, master or pilot of the vessel so offending shall be separately or collectively responsible, and on conviction thereof shall be punished by a fine of not less than \$100, nor exceeding \$500, or by imprisonment for not exceeding three months, or by both fine and imprisonment, at the discretion of the court.